

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on  
Campaigns &  
Elections  
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr\_AC-Ed\_RCP\_pt01a
- 05hr\_AC-Ed\_RCP\_pt01b
- 05hr\_AC-Ed\_RCP\_pt02

*Published Documents*

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ \*\*

➤ Committee Reports ... CR

➤ \*\*

➤ Executive Sessions ... ES

➤ \*\*

➤ Record of Comm. Proceedings ... RCP

➤ \*\*

*Information Collected For Or  
Against Proposal*

➤ Appointments ... Appt

➤ \*\*

➤ Clearinghouse Rules ... CRule

\*\*

➤ Hearing Records ... HR (bills and resolutions)

➤ **01hr\_ab0682\_AC-CE\_pt01**

➤ Miscellaneous ... Misc

➤ \*\*

# Vote Record

## Assembly - Committee on Campaigns and Elections

Date: 1-8-02

Bill Number: AB 682

Moved by: Stone

Seconded by: Ladwig

Motion: adopt AA1 to ASA1

### Committee Member

Rep. Stephen Freese, Chair

Rep. Bonnie Ladwig

Rep. Jeff Stone

Rep. Jeff Fitzgerald

Rep. David Travis

Rep. Mark Pocan

Aye

No

AbsentNot Voting

☒☐☐☐☒☐☐☐☒☐☐☐☒☐☐☐☒☐☐☐☒☐☐☐

Totals:

6

0



Motion Carried



Motion Failed

# Vote Record

682

## Assembly - Committee on Campaigns and Elections

Date:

1/8/02

Bill Number:

sub

adaption as amended

Moved by:

Travis

Seconded by:

Ladwig

Motion:

### Committee Member

Rep. Stephen Freese, Chair

Rep. Bonnie Ladwig

Rep. Jeff Stone

Rep. Jeff Fitzgerald

Rep. David Travis

Rep. Mark Pocan

Aye

No

Absent/Not Voting

☒
☐
☐
☐
☒
☐
☐
☐
☒
☐
☐
☐
☒
☐
☐
☐
☒
☐
☐
☐
☒
☐
☐
☐
☒
☐
☐
☐

Totals:

6

0

☐ Motion Carried

☐ Motion Failed

# Vote Record

## Assembly - Committee on Campaigns and Elections

Date: 1-8-02

Bill Number: ~~AB 682~~

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Motion: CRB a1035 as AA1 to ASA1  
introduced unanimous consent

### Committee Member

Rep. Stephen Freese, Chair

Rep. Bonnie Ladwig

Rep. Jeff Stone

Rep. Jeff Fitzgerald

Rep. David Travis

Rep. Mark Pocan

Aye

No

AbsentNot Voting

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Totals:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ Motion Carried

☐ Motion Failed

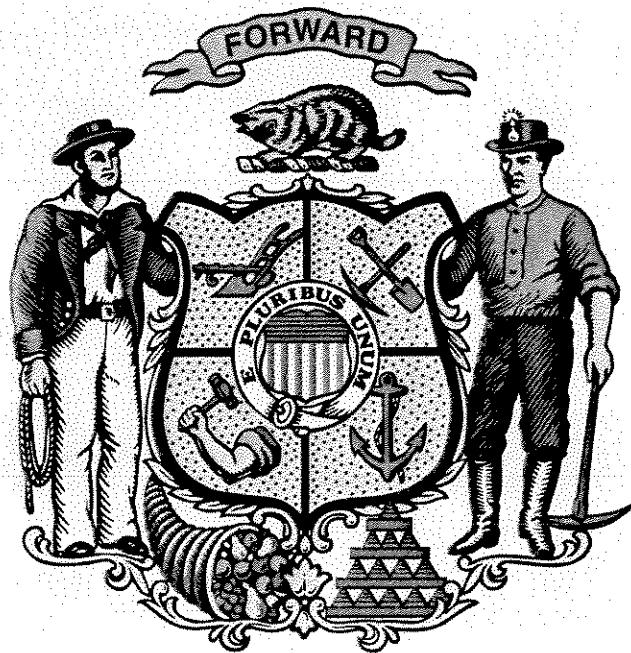
682

# Vote Record

## Assembly - Committee on Campaigns and Elections

Date: 1-8-02  
 Bill Number: AB682 *Passage as amended by ASA1*  
 Moved by: Ladwig Seconded by: Travis *60270/2*  
 Motion: \_\_\_\_\_

| Committee Member           | Aye                                 | No                       | Absent                   | Not Voting               |
|----------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Rep. Stephen Freese, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Bonnie Ladwig         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Jeff Stone            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Jeff Fitzgerald       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. David Travis          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Mark Pocan            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Totals:                    | <u>6</u>                            | <u>0</u>                 | _____                    | _____                    |





STATE OF WISCONSIN  
**ETHICS BOARD**

James R. Morgan  
Chairman  
Paul M. Holzem  
David L. McRoberts  
Joanne R. Orr  
Dorothy C. Johnson  
Gordon B. Baldwin

On the capitol square at:  
44 EAST MIFFLIN STREET, STE 601  
MADISON, WISCONSIN 53703-2800  
phone: 608/266-8123  
fax: 608/264-9309  
ethics@ethics.state.wi.us  
http://ethics.state.wi.us

December 19, 2001

Roth Judd  
Director

Representative Stephen Freese  
State Capitol, Room 115 West  
Madison, WI INTER-D

RE: 2001 Assembly Bill 682

Dear Representative Freese:

The Ethics Board is meeting on Thursday morning and regrets that it cannot send a representative to appear at your committee's hearing on 2001 Assembly Bill 682 relating to official action in return for providing or withholding political contributions.

At its meeting on March 13, 2001, the Ethics Board voted unanimously to seek legislation amending the Ethics Code to prohibit the solicitation of a campaign contribution by a state public official in exchange for official action. Representative Gundrum's proposal, if adopted, would accomplish the Board's goal.

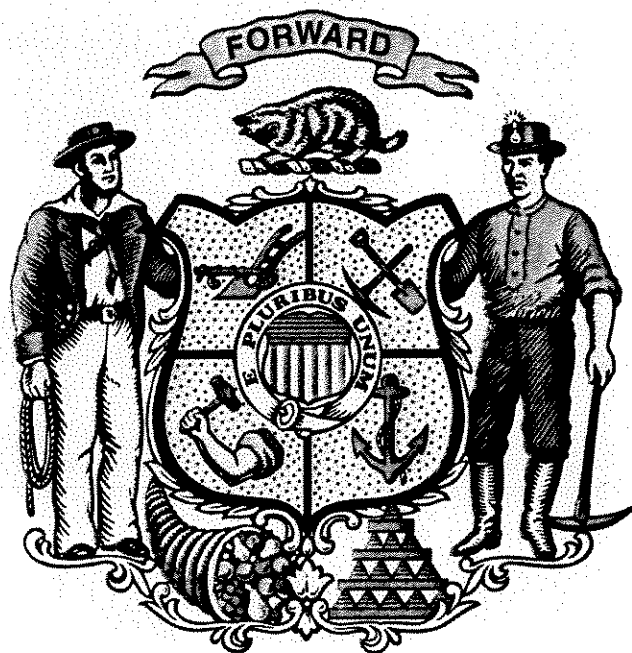
Under current law, a state public official may not use public position or office to obtain anything of substantial value for private benefit or for the benefit of the official's immediate family or an organization with which the official is associated. §19.45(2), *Wisconsin Statutes*. "Anything of value," as defined by statute, "does not include . . . political contributions which are reported under ch.11." §19.42, *Wisconsin Statutes*. Thus, Representative Gundrum's proposal addresses an issue not currently addressed by the Ethics Code.

If I can assist the Committee in any way, please let me know.

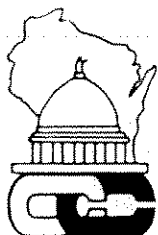
Sincerely,

Roth Judd  
Director

cc: Representative Mark Gundrum  
Representative Jeff Fitzgerald  
Representative Bonnie Ladwig  
Representative Mark Pocan  
Representative Jeff Stone  
Representative David Travis







# Common Cause In Wisconsin

152 W. Johnson Street \* P.O. Box 2597 \* Madison, WI 53701-2597 \* (608) 256-2686  
E-Mail Address: [ccwisjwh@itis.com](mailto:ccwisjwh@itis.com) \* Website: [www.commoncause.org/states/wisconsin](http://www.commoncause.org/states/wisconsin)

December 20, 2001

The Honorable Stephen J. Freese  
Chair, Committee On Campaigns and Elections  
Wisconsin State Assembly  
115 West State Capitol Building  
Madison, WI 53702

Dear Representative Freese,

On behalf of the Common Cause In Wisconsin State Governing Board and our more than 4,000 members, I am writing to you in strong support of Assembly Bill 682, bipartisan legislation introduced by Representative Mark Gundrum that would address a serious deficiency in the Wisconsin statutes.

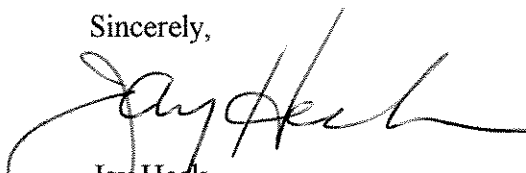
Assembly Bill 682 would expressly prohibit the promise, explicit or implied, of support for legislation in return for a campaign contribution, a practice that reportedly has occurred with increasing frequency in Wisconsin in the last several years. This astonishingly scandalous practice erodes confidence in our public policy making process and in our democratic system of government.

We commend Representative Gundrum for his initiative and urge quick consideration and passage of Assembly Bill 682. Only a previous commitment that I cannot alter prevents me from appearing in person before the committee today to testify in favor of this measure.

Please contact me if you have any questions or concerns.

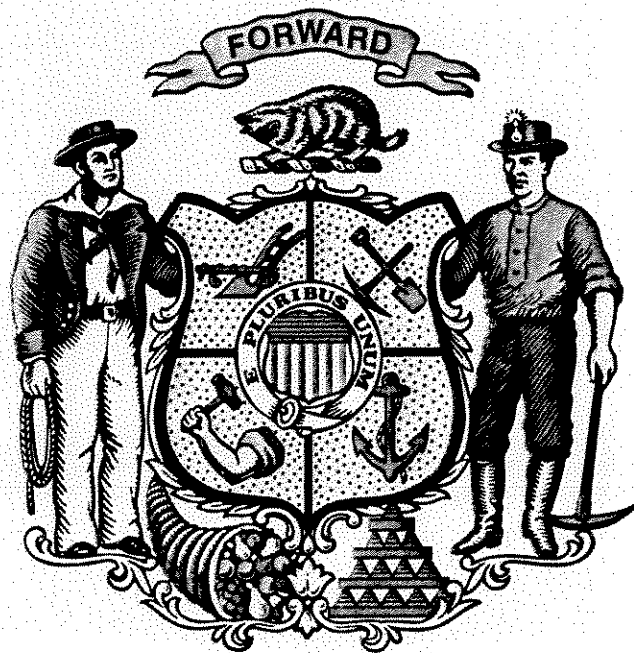
With best wishes for the season and for the new year.

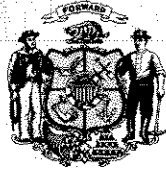
Sincerely,



Jay Heck  
Executive Director

cc: Representative Mark Gundrum





Rep. Steve Freese, Chair  
Campaigns & Elections  
115 W

**Wisconsin Speaker Pro Tempore  
Representative Stephen J. Freese**

TO: Members, Committee on Campaigns & Elections

FROM: Rep. Steve Freese, Chair

DATE: January 7, 2002

RE: Assembly Substitute Amendment 1 to AB 682 by Representatives  
Gundrum and Travis for January 8, 2002 Executive Session

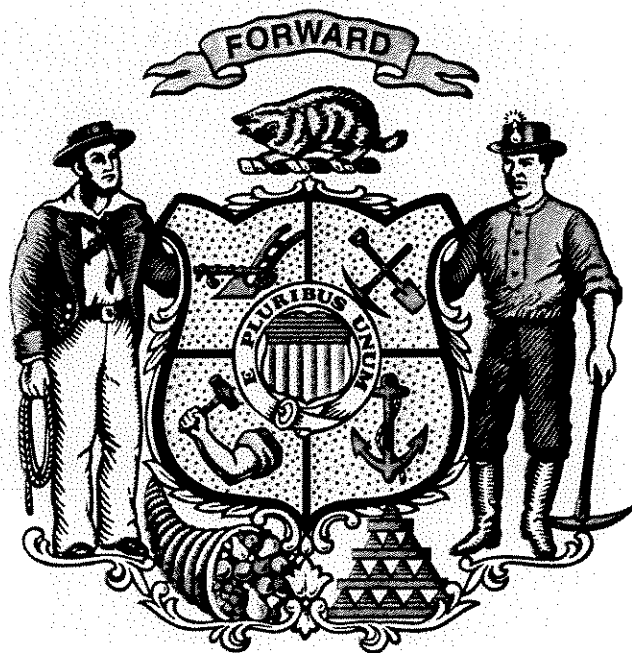
Attached is a copy of the substitute amendment to AB 682 proposed by  
Representatives Gundrum and Travis.

If you have questions regarding the enclosures, please contact the committee  
clerk at 266-7502.

Thank you.

**Fifty-First Assembly District**

Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952  
(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us  
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789





## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

|                                  |  |
|----------------------------------|--|
| <b>2001 Assembly Bill 682</b>    | <b>Assembly Substitute<br/>Amendment 1 and Assembly<br/>Amendment 1 to Assembly<br/>Substitute Amendment 1</b> |
| Memo published: January 14, 2002 | Contact: Robert J. Conlin, Senior Staff Attorney (266-2298)  |

### **CURRENT LAW**

Current law prohibits any person from offering or giving to a state public official, and prohibits a state public official from soliciting or accepting, anything of value if it could reasonably be expected to influence the state public official's vote, official actions or judgment, or if it could reasonably be considered a reward for any official action or inaction on the part of the state public official.

### **2001 ASSEMBLY BILL 682**

2001 Assembly Bill 682 generally prohibits an elected official from trading his or her vote or official action for a campaign contribution. Specifically, the bill provides that no state or local public official holding an elective office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of or upon condition that any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, or any other person who is subject to a registration requirement under the campaign finance law.

A state or local public official who violates this so-called "pay-to-play" prohibition is subject to a civil forfeiture for each violation. In addition, under the bill, the offending official may also be required to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully procured. Intentional violators would be guilty of a misdemeanor under current law and would be subject to a fine of not less than \$100 nor more than \$5,000, or imprisonment in the county jail for not more than one year, or both.

Additionally, Assembly Bill 682 provides that if the Ethics Board refuses or otherwise fails to authorize an investigation with respect to any violation by a state public official of the "pay-to-play"

prohibition created by the bill within 30 days after receiving a complaint, the person making the complaint may bring a lawsuit to recover the forfeiture on behalf of the state. Under the bill, if the person making the complaint wins, the court may require the defendant to pay the complainant's attorney fees and costs, but any forfeiture ordered by the court must be paid to the state.

Finally, under the bill, no court action stemming from a complaint about a violation of the "pay-to-play" provision may be brought during the period beginning 120 days before a general, spring or special election and ending on the date of that election against an elected official who files to be a candidate at that election.

### **ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Substitute Amendment 1 makes the following changes to the bill:

- Expands the "pay-to-play" prohibition created by the bill to include prohibiting a state or local elected official from trading his or her vote or official action for a contribution to *any person making a communication that contains a reference to a clearly identified state or local public official holding an elective office or to a candidate for an elective office.*
- Contains the same penalty provisions as the bill but also provides that if a public official violates the "pay-to-play" provisions and no thing of value was obtained by the official, e.g., a contribution, service or other thing of value was *withheld* in exchange for the official's vote or action, the official may be ordered to forfeit an amount equal to the maximum individual contribution limit under the campaign finance laws for the office held or sought by the official, whichever is greater.
- Instead of prohibiting the filing of a court action based on a complaint alleging a violation of the "pay to play" provisions during specified periods, the substitute amendment provides that no *complaint* alleging a violation of the "pay-to-play" provisions may be filed during certain periods. Under the substitute amendment, the period extends from 120 days before a general or spring election, or from the date of the order of a special election, and ending on the date of the election. Additionally, the substitute amendment tolls, or temporarily suspends, during this time period the three-year statute of limitations for the filing of complaints with respect to complaints for violations of the "pay-to-play" provisions.
- Extends all of the provisions of the bill which relate to a state public official to a local elected public official, including the direct enforcement provisions and the additional penalty provisions.

### **ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO 2001 ASSEMBLY BILL 682**

Assembly Amendment 1 to Assembly Substitute Amendment 1 clarifies the additional penalty created by the substitute amendment. As noted above, the substitute amendment provides that if a public official has violated the "pay-to-play" provisions and no thing of value was obtained by the official, the official may be required to forfeit an amount equal to the maximum individual contribution limit under the campaign finance laws for the office held or sought by the official, whichever is greater.

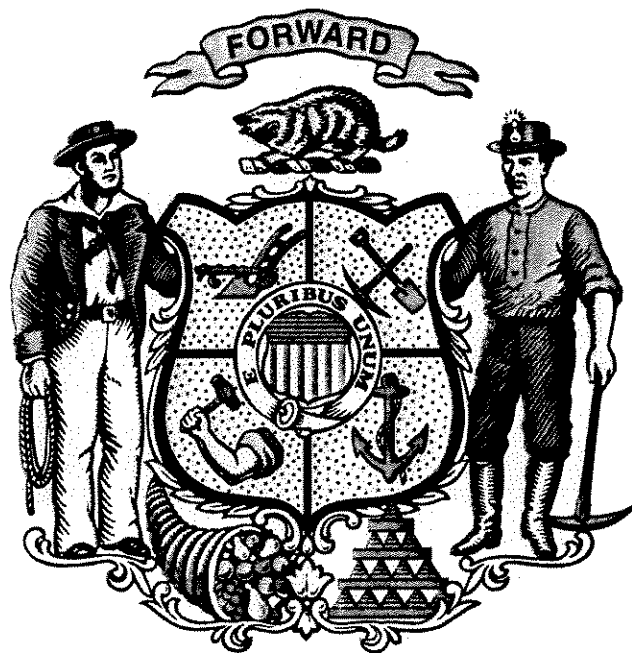
Assembly Amendment 1 deletes the phrase "by the official" so that the additional forfeiture will apply if the official has secured the withholding of a contribution or other thing of value from being made to a candidate, political party, other registrant under the campaign finance laws or a person who makes a communication containing a reference to a clearly identified candidate or official.

Assembly Amendment 1 to Assembly Substitute Amendment 1 was adopted by the Committee on Campaigns and Elections on a vote of Ayes, 6; Noes, 0; on January 8, 2002.

Assembly Substitute Amendment 1 to Assembly Bill 682, as amended by Assembly Amendment 1, was recommended for adoption by the committee on a vote of Ayes, 6; Noes, 0; on the same date.

Assembly Bill 682, as amended by Assembly Substitute Amendment 1, as amended, was recommended for passage by the committee on a vote of Ayes, 6; Noes, 0; on the same date.

RJC:rv;jal;thu





LRB—FILE COPY  
(Return to Room 215 North)

ASSEMBLY AMENDMENT \_\_\_\_\_

to \_\_\_\_\_

TO Assembly BILL 682

Offered by \_\_\_\_\_

Amend the bill as follows:

1. On page 3, line 10, delete the material beginning with "who" and ending with "s. 11.05" on line 11.
2. On page 4, line 23, delete the material beginning with "who" and ending with "s. 11.05" on line 24.

(end)